HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 335 (SB) OF 2006

Subodh Kumar Srivastava,
S/o Shri Hari Shankar Srivastava,
R/o Near Post Office Lohaghat,
Champawat, District-Champawat,
Uttaranchal. .....Petitioner.

Versus

1. State of Uttaranchal, through Secretary Higher Education Uttaranchal, Dehradun.
2. Director High Education Haldwani, Nainital, Uttaranchal.
3. Principal Govt. Degree College Lohaghat Champawat.
4. Dr. Vinay Kumar In-charge Principal Govt. Degree College Lohaghat Champawa .....Respondents.

Dated: 16.11.2006

Hon'ble Rajesh Tandon, J.

Hon'ble B.C. Kandpal, J.

Heard Sri Kishore Kumar, counsel for the petitioner and Standing Counsel for the State.

2. At the time of the hearing of the writ petition both the parties have submitted that let the writ petition be disposed of on merits.

3. By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order of attachment passed on 8th November, 2006 and thereby

relieving the petitioner on the same date (Annexures Nos. 2 & 3 to the writ petition).

4. Briefly stated, the petitioner was initially appointed as a part time teacher in Physics at Govt. Post Graduate College Musafir Khana, District-Sultanpur in the year, 1987. Thereafter, he was transferred to Govt. Post Graduate College Lohaghat as ad-hoc Lecturer and he joined there as ad-hoc Lecturer in the pay-scale of Rs. 8000-12500. According to the petitioner, he is regularly imparting education to the students of B.Sc. in Physics and getting a salary of Rs. 14,000/- (Basic+DA) per month from Lohaghat.

5. According to the petitioner, he made a complaint on 8th September, 2006 against the respondent no. 4 along with another person namely Dr. Chandra Shekhar Joshi, which was registered as Case Crime No. 9 of 2006 at Police Station-Lohaghat and as a result of the same, the petitioner has been directed to be attached with the Govt. Post Graduate College, Uttarkashi from Govt. Post Graduate College, Lohaghat.

6. Petitioner has submitted that due to Case Crime No. 9 of 2006 the petitioner has been attached with the Govt. Post Graduate College, Uttarakashi.

7. We have considered the grievance of the petitioner, a perusal of the order shows that the petitioner has already been relieved.

8. In view of the aforesaid, we do not find any illegality so as to interfere under Article 226/227 of the Constitution of India. However, liberty is given to the petitioner to approach the authority concerned by filing a representation, which shall be considered within a period of one month from the date of presentation of the certified copy of this order. Liberty is also given to approach the authority for the payment of the salary from Uttarkashi, where he has been attached.

9. Liberty is given to the petitioner to approach the authority concerned at Uttarkashi for considering the payment of salary.

10. Accordingly Writ petition is disposed of. No order as to costs.

(B.C. Kandpal, J.) (Rajesh Tandon, J.)

16.11.2006
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